

- 27 -
Extract - 509/133/2013-RCC
- 52 -
43

SL.No. 5 (R) Puc/Pg. No-393-402 (orn)

An e-mail dated 18.03.2015 has been received from Shri Mohit D.Ram, Advocate of Hon'ble Supreme Court in the matter of W.P.(C) No. 932 of 2013 (Nagrik Chetna Manch Vs UOI & Ors.). In the aforesaid mail he has informed that the matter was listed for hearing on 16.03.2015. He has informed that the attention of bench was drawn towards the interim order dated 23.09.2013 by which the Hon'ble Supreme Court had inter-alia directed as under :-

"In the meanwhile, no person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

He has also informed that the attention of the Bench was also drawn to certain instances of the Govt./Govt. Institutions/Organization insisting for Aadhaar Card despite the order dated 23.09.2014, upon which the Hon'ble Court has ordered that the order dated 23.09.2014 be strictly adhered to by all concerned.

He has also forwarded a copy of the order dated 16.03.2015 passed by the Hon'ble Supreme Court in the aforesaid matter. In this order, it has been observed that after hearing from both sides, the Hon'ble Court has directed that both the Union of India and States and all their functionaries should adhere to the Order passed by this court on 23.09.2013. Pleading be completed before the end of April, 2015. The court has also directed all the parties are at liberty to file any further affidavit or documents, if they so wish.

It is to recall here that the main prayer against the Commission in the aforesaid matter is that the Commission has extended the right

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from pre-pago :-

-6-30-

-45-

to franchise to non-citizens, as the proof-of-identity and proof of address for enrolling as voter.

Submitted.

24.03.15

The matter relates to the petition filed before the Supreme Court about making AADHAR Card mandatory for certain Govt. Schemes. The details of case and the Commission's view on the issue may pl. be seen at page 2-3/N. It may be seen therefrom that the prayers made against the Commission for issue of an order to revise the electoral roll intensively to ensure that no enrolment in the electoral roll has taken place on the basis of Aadhar card ~~is misplaced~~ ~~was~~ decided as misplaced.

Now, Shri Mohit D Ram, Advocate has inter-alia intimated that the above matter ~~was~~ came up for hearing on 16.3.2015, and after hearing the matter at length, the Court has directed to strictly adhere their Order dated 23.09.13. In the Order dated 23.9.2013, it was directed that no person should suffer for not getting the Adhaar Card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

@ pue

p/298-299/C

pp/401-402/C

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For page.

In so far as the compliance of the aforesaid order by the Commission is concerned, it is stated that for inclusion of names in the electoral roll, Aadhar Card is not the only document, which is treated as valid proof for age and date of birth. There are certain other documents also. Hence, in this order there is no direction against the Commission to comply with.

US (NTD)

24/2/15

24/3/15

Secy (AT)

24/3/15

P Secy (w)

F/A

In the context of the directions in the order dated 23-9-13 of the Supreme Court, it is stated that the Commission has not issued any order making Aadhar compulsory for any of the services provided under the supervision and direction of the Commission.

(1) For identification of electors at the time of voting, Aadhar Card has been provided as one of the alternative identification documents.

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From pre-PR

(ii) For enrolment, there is no mandatory requirement of having to produce Aadhar Card/Number. Similarly, in the recent instructions regarding seeding of Aadhar number in electoral roll data base also, the disclosure of Aadhar number is practically voluntary in the sense that there is no consequential action if any elector refuses or fails to furnish the details.

Point (ii) above may, however, be referred to ER Division to examine our instructions to see whether there is any hint of compulsion in declaring Aadhar details as for enrolment, or retaining either in our instructions or in the way the field level functionaries are implementing these instructions. Furnishing of Aadhar no. should be more or less optional.

(T)

26.02.15
ERS

LAC

25/3/15

25/3/15

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DEC (ST) on 25/3/15
DEC (VZ)
DEC (US)

25/3/15
P. examine as per

25/3/15
S/M

✓
✓
Reference pre-page:

The Commission had issued instructions for launching of National Electoral Rolls Purification and Authentication Programme (NERPAP) on 03.03.2015.

In the instruction at point 3(i) it is stated that one of the major objectives of NERPAP is linking and authentication of EPIC data of electors with Aadhar data of LIADP. But it is nowhere mentioned it to be mandatory, nor is there any instruction regarding excision of name of those electors from electoral roll who have not furnished their Aadhar details.

Further, as far as implementation at State level on field is concerned, ^{such} no instructions making it mandatory to provide Aadhar number, issued by the CEO have been issued by the Commission. A letter has been issued requesting CEOs of all states to send a copy of instructions

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from for-page:

issued by them with reference to NERPA.
- As the replies are awaited, ~~it is not possible to reply at this point.~~

Kanishka.
26.3.15

SO (on leave)
UCI (AKI)

Secy (IND) 26.03.15

26/3

Mo Secy

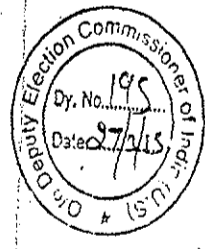
There is no need to change/modify our existing instructions on NERPA.

DEC (UG)

26/3

to Secy (W) I agree with 'x'

A. take a copy of CEO's instruction issued down the line for rolling out NERPA plan and put up in a spiral bound form along with comments to SO, div.



27/3
Secy N/RS

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Ref: pre-page.

Relevant portion of the nli. has been retained in the ER Division for taking necessary action in respect of direction of SEC(US) on pre-page.

File may be returned to RCC for taking further necessary action in respect of instant court case.

AB
27.03.15

Sany (NND)

1 p.u. 3:
CRP AP file
complaint
27.03.15
ERS
Per 27/3/15
KK

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Extracts F. No. 23/TN/2015 (SS-I)
Sl. No. 26 (R) p. 21/C

The CEO, Tamil Nadu has informed that in connection with the Commission for the collection of Aadhar details in hard form. The correction requirements of the voter in her/his EPIC; and also to efficiently extract data from the hard copies, a few modifications in the said format (annexure A) has been effected by this office. They are as follows:

1. The format is preprinted with the existing electors details on the left side with provision of space for the furnishing the correct details on the right side if required.
2. The provision of space for collection of other Aadhar details and contact conformation are furnished after this, at the bottom (the sample sheet is annexed).

The format is proposed to be printed on an ICR (Intelligent Character Recognition) format reader page, so that details captured from the electors can be scanned and the information can be converted to electronic data.

The correction details, if requested can then be used for pre-populating and generating the Form 7 or Form 8. So that this Form 7 or Form 8 can be taken by the BLO to the field, the applicant signature can be obtained and verified on the field.

The CEO Tamil Nadu has requested the Commission for Commission's concurrence for amended version of the Annexure-A.

The file may also be shown to ERS for necessary action and order.
Submitted please.

Amruti
18-3-15

18/3/15 W/ST

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May be shown to ER. Div.

Sr. Secy (R)

18/3/15

DECEST

P. Secy (TK)

P. Secy (R)

This is a state specific reference. The proposal seems to be in order & may be approved.

However, it may further be added that the Commission is reconsidering the issue.

S.No: 30(R)

National Electoral Roll Purification and Authentication Programme (NERPAP) has been launched in all the States/UTs on 3rd March 2015 for having electoral roll free from error and duplicate entries. Linking of Aadhaar Number with the electoral database is one of the activities of the Programme, in which collection of Aadhaar Number and feeding of Aadhaar Number of electors through various mode will be done in initial phase and then fed Aadhaar Number will be seeded in electoral database with the help of facility provided by UIDAI.

Now, UIDAI, who is sharing Aadhaar details of electors on demand basis, referring to various communication from the Chief Electoral Officers, has clarified that Aadhaar Number is one of the factors of authentication of a resident and its confidentiality must be ensured totally during the process of its seeding into the electoral databases and hence, this should not be published in the Electoral Rolls or displayed on the website etc. UIDAI has requested to sensitize the CEOs of all States suitably.

In this connection, it may be stated that Aadhaar number of an elector is being collected through various means like feeding on NVSP portal by the elector, by the BLOs making house to house visit, by the monthly Special Camp. Aadhaar number is given by elector voluntary. UIDAI does not give the Aadhaar number of an elector.

It is further to add here that the Commission has been sharing the electors details like name, age, sex, relation's name, address of electors, EPIC number etc. in the electoral roll with the public with the purpose of its scrutiny. Images of electors, even available in database are not shared due to privacy issue.

It seems that UIDAI has requested to not to disclose the Aadhaar number of an elector; as other details of Aadhaar can be obtained electronically, as UIDAI provides facility for downloading e-Aadhaar Card with the help of Aadhaar Number.

We may request our IT Division to examine the issue raised by UIDAI especially in the context whether non-display of Aadhaar Number in elector details in electoral roll will have any technical issue or otherwise.

Once we get the nod of IT division, CEOs may be clarified that Aadhaar Number will be stored in electoral database and it will not be displayed in any other public document like electoral roll, in the digitized Form uploaded on the website for public scrutiny, Voter Slip etc.

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123-0415

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very kindly
opine on the above
point.

DFA/61
Rajeev
23/4

Secy NIT

SW(15)

22/4

Data seen from Aadhar
is NOT to be published through
any activity of ECI, CEO, Secy etc.

SW

Baron Prepape! —

The file was discussed with RRC(US).
Drafts and reporting formats have been
modified as desired and are placed below on the
file for approval.

✓
F/DIA
I-II

P. S. (R/S)
RRC(US)
9/4/15
May like to see the draft information
before issuing.
9/4/15

Secy (NAB)
DEC (ST)
DEC (VZ)

I have made
some corrections in the
draft. Also is DU.

DEC (ST)
DEC (US)
10/4/15

✓
10/4/15
10/4/15
10/4/15
10/4/15
10/4/15

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Dir. (F)
S.No. 28 (I) — p. 217/c
S.No. 29 (I) — p. 229/c